

77-885/1

OLC 77-1249
1 April 1977

MEMORANDUM FOR: Director of Central Intelligence

FROM: George L. Cary, Legislative Counsel

SUBJECT: Your Conversation with Senator Daniel
Inouye Regarding Monthly Meetings with
the Senate Select Committee on Intelligence

REFERENCE: Your Memo of 29 March 1977

1. I think you are exactly right in being alert to any assertion on the part of the Senate Select Committee on Intelligence of an authority to "disapprove" covert actions. You are aware of the distinction in the language between the Hughes/Ryan amendment and the Committee's interpretation of S. Res. 400. Hughes/Ryan requires notice only. The Select Committee's interpretation of S. Res. 400 would imply prior approval.

2. As it relates to reports on clandestine collection operations, the issue becomes more difficult. Legislative oversight can reasonably be construed to include general information with respect to the types of operations which intelligence agencies are conducting. However, a demand for the details of such operations can similarly be construed as an impingement on Presidential prerogatives. At some point, the line must be drawn between legitimate oversight and Presidential prerogative.

3. I think at a minimum we should work for a presumption that sensitive details would not be required to be reported. If, in unique cases, such information is necessary, procedures should be instituted to protect identities and details by use of identity numbers. This should apply to covert action reporting as well.

C-38.2

INTERNAL USE ONLY

4. Prior to the establishment of the Select Committee, none of our oversight committees pressed us for the kinds of details which the Select Committee is now requesting. Those committees were roundly criticized by their colleagues and are being replaced because of the feeling that their oversight was too superficial.

5. In any event, I am sure you will want to discuss this matter with the White House before agreeing with the arrangement Chairman Inouye proposes.



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George L. Cary

cc:
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D/DCI/IC
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OLC/GLC:baa (1 April 1977)

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EXECUTIVE SECRETARIAT

Routing Slip

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Remarks:

A/Executive Secretary

31 Mar 77

Date

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